

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,202

IN THE MATTER OF:

Served March 6, 2008

Application of JOSEPH LANE, JR.,                    )  
Trading as LANE'S TRANSPORTATION,                )  
for Voluntary Termination of                        )  
Certificate No. 526                                    )

Case No. AP-2008-005

JOSEPH LANE, JR., Trading as LANE'S )                Case No. MP-2007-279  
TRANSPORTATION, Suspension and                    )  
Investigation of Revocation of                    )  
Certificate No. 526                                    )

Certificate No. 526 was automatically suspended on December 21, 2007, pursuant to Regulation No. 58-02, for the willful failure of Joseph Lane, Jr., t/a Lane's Transportation, (Lane), to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance.

That same day, the Commission served notice on Lane in Order No. 11,035, that Certificate No. 526 would be subject to revocation if Lane failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Lane also was directed to file a new tariff because his preexisting tariff was no longer effective. Lane paid the late fee on January 14 but filed an application requesting voluntary termination of Certificate No. 526 instead of the necessary insurance endorsement(s) and tariff.

In the meantime, Lane's 2008 annual report and annual fee became due as of January 1, 2008, pursuant to Regulation Nos. 60-01 and 67-02. Lane's application states that he paid the outstanding annual fee, but the Commission has no record of payment. The Commission also has no record of Lane filing his 2008 annual report.

The Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder. The Commission will not approve such an application, however, if the carrier is not in good standing.<sup>1</sup> Lane is not in good standing with the Commission, having failed to file his 2008 annual report and pay his 2008 annual fee. Consequently, we shall deny Lane's application for voluntary termination.<sup>2</sup>

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<sup>1</sup> *In re Avery Transp., LLC*, AP-07-008, Order No. 10,319 (Mar. 9, 2007).

<sup>2</sup> *See id.* (denying voluntary termination in part because annual fee not paid); *In re Coach One, Inc.*, AP-07-018, Order No. 10,276 (Feb. 8, 2007) (denying voluntary termination because annual fee not paid and annual report not filed).

Because Lane is not in compliance with Commission Regulation No. 58 and has discontinued operating, we shall revoke Certificate No. 526 pursuant to Article XI, Section 10(c), of the Compact.<sup>3</sup>

Because this matter was ripe for decision prior to February 1, 2008, the \$200 in late fees under Regulation No. 67-03(a) & (b) shall be waived pursuant to Rule No. 29,<sup>4</sup> provided that within thirty days Lane pays the 2008 annual fee and files his 2008 annual report. Otherwise, the annual report and fee for 2008, and associated late fees under Regulation No. 67-03, shall remain due.<sup>5</sup> No further extensions shall be granted.

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-08-005 and MP-07-279 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That the application of Joseph Lane, Jr., t/a Lane's Transportation, for voluntary termination of Certificate No. 526 is hereby denied.

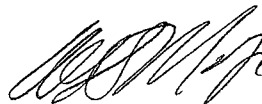
3. That Certificate of Authority No. 526 is hereby revoked.

4. That within 30 days from the date of this order Joseph Lane, Jr., t/a Lane's Transportation, shall:

- a. remove from his vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 526 to the Commission.

5. That applicant/respondent shall have thirty days to pay the \$150 fee for 2008 and file the annual report for 2008 without incurring late fees under Regulation No. 67-03.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re Coach One, Inc.*, MP-07-097, Order No. 10,492 (May 17, 2007) (same).

<sup>4</sup> Cf., *In re Noral Harvey, t/a Harvey's Medivan Services*, No. MP-07-249, Order No. 11,142 (Feb. 6, 2008) (waiving annual fee & report in proceeding that was ripe for decision prior to January 1).

<sup>5</sup> See *In re Precious Care Inc.*, No. MP-07-278, Order No. 11,169 (Feb. 26, 2008) (same).